

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Magnolia Avenue, 593' E * DEPUTY ZONING COMMISSIONER
of Lilac Avenue * OF BALTIMORE COUNTY
(3224 Magnolia Avenue) * Case No. 91-129-A
13th Election District
1st Councilmanic District
Gerald A. Martin, Jr.
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Appearing as Protestants in the matter were the following: Richard and Patricia Parker, Richard Parker, Jr., Thomas and Katherine Schatz, Louise Alder, President, English Council Improvement Association, and Kate Keller.

Testimony indicated that the subject property, known as 3224 Magnolia Avenue, consists of 6,250 sq.ft. zoned D.R. 5.5 and is split by the Baltimore County/Baltimore City line. The portion of the property located in Baltimore City is improved with a garage, which is proposed to be raised, and the remaining portion of the property located in Baltimore County is proposed to be developed with a single family dwelling as depicted in Petitioner's Exhibit 1. Said property, which is 50 feet wide, was purchased by Petitioner in July 1990 from a Charles Kelley. Petitioner testified Mr. Kelley told him that he needed to sell the property immediately as he was moving out of state. Mr. Martin testified that he has been in the home improvement business for the past 15 years and has built over 15 homes. He indicated that in this particular instance, it is his intention to build a house for himself. He testified the requested vari-

ance is necessary for him to develop the property and that it is his belief there are many other houses in the neighborhood which were developed on 50-foot wide lots.

Mr. Richard Parker, adjoining property owner at 3222 Magnolia Avenue, testified that he has resided at this location for the past 33 years. He testified that the subject property was involved in previous Case No. 86-438-A in which the then property owner, Joan M. Cox, requested a variance for a 50-foot lot width. Testimony indicated the relief requested was denied on May 16, 1986 and that the matter was subsequently appealed to the County Board of Appeals who, by Order issued October 30, 1986, denied the variance. Mr. Parker testified that Mr. Kelley testified at both hearings.

Testimony indicated that the circumstances surrounding the Protestants' opposition to the relief requested has not changed and that the granting of the variance would adversely affect the health, safety and general welfare of the community. In support of their position, the Protestants introduced photographs of some of the houses in the neighborhood and numerous letters of opposition. Further, the Protestants disputed Mr. Martin's allegations that a number of the houses in the community were built on 50-foot wide lots. The Protestants argued that the Petitioner was a builder for over 15 years and either knew or should have known that the property was subject to compliance with the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, the Petitioner has failed to present any testimony to meet his burden; therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of November, 1990 that the Petition for Zoning Variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

AMN R. HASPARDOWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

IN THE MATTER OF THE * BEFORE THE
PETITION OF GERALD A. MARTIN, JR. * COUNTY BOARD OF APPEALS
FOR A ZONING VARIANCE * OF
ON PROPERTY LOCATED ON THE * BALTIMORE COUNTY
NORTH SIDE OF MAGNOLIA AVENUE, *
593' EAST OF LILAC AVENUE *
(3224 MAGNOLIA AVENUE) * CASE NO: 91-129-A
13TH ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

OPINION

This matter comes before this Board as an appeal from a decision of the Deputy Zoning Commissioner of Baltimore County, dated November 20, 1990, denying the property owner's Petition for a Variance to permit a buildable lot with a width of 50 feet in lieu of the required 55 feet.

The Petitioner/Appellant, Gerald A. Martin, Jr., appeared and represented himself without legal counsel. Peter Max Zimmerman, Deputy People's Counsel, appeared on behalf of the People's Counsel for Baltimore County and Patricia L. Parker, Richard E. Parker, Katherine Schatz, Thomas Schatz, Katharina Keller and Richard Parker, Jr. appeared as Protestants.

Testimony indicated that the subject property, known as 3224 Magnolia Avenue, is located in the subdivision known as English Consul and is split by the Baltimore County/Baltimore City line. The testimony further indicated that the subject lot was once 50 feet wide, but, by virtue of an adverse possession decree, is now only 46-1/2 feet wide.

A previous Opinion and Order of this Board (Case No: 86-438-A) was entered into evidence as an exhibit. Said Opinion and Order

1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-129-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1 To allow for a buildable lot with a width of 50 ft. in lieu of the required 55 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name _____
Address _____
City and State _____
Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1990, at 10:00 o'clock

of _____, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1990, at 10:00 o'clock

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Item #8
91-129-A

ZONING DESCRIPTION

Beginning at a point on the north side of Magnolia Ave. which is 28 ft wide at the distance 593 ft east of Lila Ave. Being lot nos 855 & 856 in the subdivision of English Consul Estate, Part of sect. A as recorded in Baltimore County Plat Book No. 3 folio 108 containing 6,250 sq. ft. Also known as # 3224 Magnolia Ave. and located in the 13th Election District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 13th Date of Posting: October 15, 1990
Posted for: K. Haines
Petitioner: Gerald Alden Martin, Jr.
Location of property: N/S Magnolia Avenue, 593' E Lila Ave.
Address: 3224 Magnolia Avenue
Location of Sign: In front of subject property, 3224 Magnolia Avenue
Remarks: S. J. Haines
Posted by: S. J. Haines Date of return: November 9, 1990
Number of Signs: 1

Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204				receipt	
Account: R-001-6150 Number		No 3215			
Date	8/17/90	H9100068			
PUBLIC HEARING FEES		QTY	PRICE		
010 - ZONING VARIANCE (1RL)		1 X	\$35.00		
TOTAL:			\$35.00		
LAST NAME OF OWNER: MARTIN JR.					
04A04H0093MCHRC BA C011:33AH08-17-90				\$35.00	
Please make checks payable to: Baltimore County					
Cashier Validation:					

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Board of Zoning Appeals of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 91-129-A
N/S Magnolia Avenue, 593' E Lila Avenue
3224 Magnolia Avenue
13th Election District
1st Councilmanic District
Petitioner(s): Gerald Alden Martin, Jr.
Hearing Date: Friday, November 9, 1990 at 10:30 a.m.
Variance: To allow for a buildable lot with a width of 50 ft. in lieu of the required 55 ft.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
ARBU10184 Oct 11

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the ARBUS TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-11-90.

ARBUS TIMES

S. Zeke Olson
Publisher

3 51.33

CERTIFICATE OF PUBLICATION

TOWSON, MD. Oct 15, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 11, 1990.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

3 51.33
3 78.4

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

91-129-A

Date

12/10/90

A9100033

APPEAL FEES	QTY	PRICE
100 - OF ALL OTHER ORDERS	1 X	\$125.00
150 - POSTING SIGNS / ADVERTISING	1 X	\$25.00
TOTAL:		\$150.00

LAST NAME OF OWNER: MARTIN JR.

04A04H0005MCHRC
BA C010:40PM12-18-90
NEXT BUSINESS DAY

\$150.00

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

No 3852

Date

CK#1387

91-129

11/09/90

M9100404

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING	1 X	\$76.33
TOTAL:		\$76.33

LAST NAME OF OWNER: MARTIN JR.

04A04H0091MCHRC
BA C010:31AM11-09-90

\$76.33

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 10-26-90

Gerald Alden Martin, Jr.
1900 Rockridge Court
Harriottsville, Maryland 21104

Re: Petition for Zoning Variance
CASE NUMBER: 91-129-A
N/S Magnolia Avenue, 593' E Lila Avenue
3224 Magnolia Avenue
13th Election District - 1st Councilmanic District
Petitioner(s): Gerald Alden Martin, Jr.
HEARING: FRIDAY, NOVEMBER 9, 1990 at 10:30 a.m.

Dear Mr. Martin:

Please be advised that \$ 76.33 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

September 27, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-129-A
N/S Magnolia Avenue, 593' E Lila Avenue
3224 Magnolia Avenue
13th Election District - 1st Councilmanic District
Petitioner(s): Gerald Alden Martin, Jr.
HEARING: FRIDAY, NOVEMBER 9, 1990 at 10:30 a.m.

Variance: To allow for a buildable lot with a width of 50 ft. in lieu of the required 55 ft.

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Martin

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 24, 1990

Mr. Gerald Alden Martin, Jr.
1900 Rockridge Court
Harriottsville, MD 21104

RE: Item No. 68, Case No. 91-129-A
Petitioner: Gerald Alden Martin, Jr.
Petition for Zoning Variance

Dear Mr. Martin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 5th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Gerald Alden Martin

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: September 14, 1990
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Gerald A. Martin, Jr., Item No. 68

The Petitioner is requesting a Variance to permit a 50 ft. lot width in lieu of the minimum 55 ft. required. Staff has the following comments on the above request:

In instances such as these, staff's primary concerns are:

1. What is the impact on adjoining property?
2. Are adequate front, side and rear yard setbacks being provided on the site?
3. Will the reduced lot sizes result in requests for additional variances when subsequent lot owners try to build unsuitable homes on the lots or expand homes into required areas?

Based upon the information provided and analysis conducted, staff recommends that if the request is granted, the following conditions be attached:

- All building setback lines (front, side, rear) shall be shown on the site plan and recorded by the applicant on the deed of record. Furthermore, a statement shall be attached to the site plan which clearly states that all development shall conform to the setbacks as shown and additional variances shall not be granted for setbacks on the subject property.
- Any applications for building permits shall include a copy of the site plan and the Commissioner's "Findings of Fact and Conclusion of Law," provided by the applicant.
- An accessory structure, while located on the Baltimore City portion of the lot, will be razed as indicated on the plat accompanying the Petitioner's request.

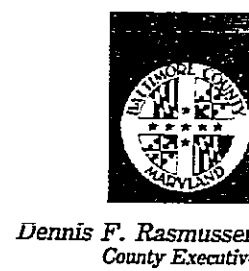
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM68/ZAC1

RECEIVED 9/21/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

SEPTEMBER 6, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: GERALD ALDEN MARTIN, JR.
Location: #3224 MAGNOLIA AVENUE
Item No.: 68 Zoning Agenda: SEPTEMBER 4, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: *Pat Keller* Noted and Approved *Captain W. F. Reed, Jr.*
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 11, 1990

RECEIVED
SEP 11 1990

ZONING OFFICE

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT OF ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 68
PROPERTY OWNER: Gerald Alden Martin, Jr.
LOCATION: N/S Magnolia Avenue, 593' E Lilac Avenue
(#3224 Magnolia Avenue)
ELECTION DISTRICT: 13th
COUNCILMANIC DISTRICT:

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMP (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MUST BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY CONCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 30, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for September 4, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 52, 55, 59, 60, 63, 65, 68, 69 and 70.

For Item 58, a County Review Group Meeting is required.

For Items 45, 62 and 66, the previous County Review Group comments still apply.

For Item 57, the topography shows a pole at corner of drive that will interfere with widening. Half paving width of Sulphur Spring Road is 21 feet, right-of-way equals 30 feet (not shown on plan). Entrance apron to be 7-inch concrete on 4-inch CR-6, similar to Plate R-32.

For Item 61, a revised County Review Group Meeting is needed. Original County Review Group Meeting under "Chartley Building" was for one story office.

For 91-42-A, Maryland National Bank Reconstruction, we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

RE: PETITION FOR VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
N/S Magnolia Ave., 593' : OF BALTIMORE COUNTY
E of Lilac Ave. (3224 :
Magnolia Ave.) : ZONING CASE NO. 91-129-A
13th Election District :
1st Councilmanic District :
GERALD A. MARTIN, JR., Petitioner :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

I HEREBY CERTIFY that on this 28th day of January, 1991, a copy of the foregoing Entry of Appearance was mailed to Mr. Gerald A. Martin, Jr., 1900 Rockridge Ct., Marriottsville, MD 21104; and Mr. and Mrs. Richard Parker, Sr., 3222 Magnolia Ave., Baltimore, MD 21227.

Peter Max Zimmerman
Peter Max Zimmerman

19 JAN 28 AM 8:32
RECEIVED



County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

Hearing Room -
Room 301, County Office Bldg. May 6, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-129A GERALD A. MARTIN, JR.
N/S Magnolia Ave., 593' E of Lilac Ave.
(3224 Magnolia Ave.)
13th Election District
1st Councilmanic District

VAR-Buildable lot 50' in lieu of 55'.

11/20/90 - D.Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, AUGUST 30, 1991 AT 1:00 P.M.

cc: Gerald A. Martin, Jr. Petitioner/Appellant

Louise Alder, President
English Council Impr. Assoc.

Mr. and Mrs. Richard Parker

People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

LindaLee M. Kuszmaul
Legal Secretary

5/6/91 - Following parties notified of hearing set for August 30, 1991 at 1:00 p.m.:

Gerald A. Martin, Jr.
Louise Alder, President
English Council Impr. Assoc.
Mr. and Mrs. Richard Parker
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Chief Deputy County Attorney

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 22, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
N/S Magnolia Avenue, 593' E of Lilac Avenue
(3224 Magnolia Avenue)
13th Election District, 1st Councilmanic District
GERALD A. MARTIN, JR. Petitioner
Case No. 91-129-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on December 18, 1990 by Gerald A. Martin, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Gerald A. Martin, 1950 Rockridge Court, Marriottsville, MD 21104

Louise Alder, President - English Council Improvement Association
3218 Magnolia Avenue, Baltimore, MD 21227

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 20, 1990

Mr. Gerald A. Martin, Jr.
1900 Rockledge Court
Marriottsville, Maryland 21104

RE: PETITION FOR ZONING VARIANCE
W/S Magnolia Avenue, 593' E of Lilac Avenue
(3224 Magnolia Avenue)
13th Election District - 1st Councilmanic District
Gerald A. Martin, Jr. - Petitioner
Case No. 91-129-A

Dear Mr. Martin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:mjs

cc: Mr. & Mrs. Richard Parker, Sr.
3222 Magnolia Avenue, Baltimore, Md. 21227
Mr. Richard Parker, Jr.
3221 Magnolia Avenue, Baltimore, Md. 21227
Mr. & Mrs. Thomas Schatz
3226 Magnolia Avenue, Baltimore, Md. 21227
Ms. Louise Alder
3218 Magnolia Avenue, Baltimore, Md. 21227
Mrs. Kate Keller
3223 Magnolia Avenue, Baltimore, Md. 21227
People's Counsel; File

RECEIVED
COUNTY BOARD OF APPEALS
91 SEP -6 PM12:50

Michael Sauer
Panel Chairman
Office of Zoning
111 W Chesapeake Ave
Towson, Md 21204

Case# 91-129-A Manolia Ave residents vs. Gerald Martin

Dear Sir,

We were in attendance on August 30 for the appeal of the above case. Testimony taken in that case raised several questions that concern us regarding the ownership and worth of lots 855 and 856.

We have yet to see a recorded deed showing Gerald Martin as owner of the lots. At the first hearing he presented an unstamped photocopy of a deed that was rejected as evidence. He has not proved ownership. Neither has he provided a tax bill which would prove ownership as well as record the assessed land value.

You will find in the original transcripts of case 86-438-A that no money exchanged hands when Joan Cox transferred the property to Charles Kelley. The lots were presented as payment for a repair bill owed by Mrs. Cox to Mr. Kelley. We question whether a similar exchange has occurred between Gerald Martin and Charles Kelley. That Mr. Kelley attended the adverse possession suit as Mr. Martin's witness fostered our opinion that Mr. Kelley retains an interest in the lots.

Mr. Kelley remains a licensed builder in Baltimore County. Now that Mr. Martin states that he may sell the lots to a builder upon gaining rezoning, we question whether that builder will be Mr. Kelley, who exhausted his appeals to gain rezoning himself.

Mr. Martin testified that he paid for the lots with a loan from a private investor, to whom he is paying only interest at this time. We wonder who the investor is and why he accepts only interest. We would like to know his identity and the terms of the contract, which seems pertinent to this case in that Mr. Martin is declaring financial hardship. If he has expended no money he has lost none. Contingency clauses may exist: Mr. Kelley had one with Mrs. Cox in his first contract for the lots, that voided the contract if rezoning was denied.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

February 7, 1991

Mr. & Mrs. Richard Parker
3222 Magnolia Avenue
Baltimore, Maryland 21227

RE: Case No. 91-129-A (Appealed 12/18/90)
3224 Magnolia Avenue
Gerald A. Martin, Jr. - Petitioner
13th Election District

Dear Mr. & Mrs. Parker:

Reference is made to your letter dated January 30, 1991 in which you requested notification of information concerning the above appealed case.

This is to advise, the Board of Appeals will notify you of the scheduled appeal hearing and any other issues that arise concerning the above case. By carbon copy of this letter, we are referring your request to the Board of Appeals.

If you have any further questions you may call Linda Kuzmaul of the Board of Appeals at 887-3180.

Very truly yours,

Charlotte Radcliffe
Legal Secretary

/ccr

cc: Linda Kuzmaul, Board of Appeals
J. Robert Haines, Zoning Commissioner

Mr. Martin has claimed financial hardship. In the interest of integrity, we ask that his claim be proven by submitting legal title to the land, its tax bill, the loan contract, his tax returns and a financial statement. Mr. Martin is working-we see him and members of his crew removing and returning building supplies to the garage on the lots.

We accept that it is the court's right to base its decision on testimony offered during the hearing, but we hope that you will consider our request that Mr. Martin's claims be backed with legal proof.

You may be interested to know that the land directly behind 3228 Magnolia Ave is to be sold with a new house built upon it. The lot size is 75x128 ft. (9375 sq ft.), as are 3222 it. and 3226 Magnolia Ave. (Mr. Martin has only 5875 sq ft. less the garage site-to build on.) No one disputes the owner's right to build as the lot size supports the building. We are simply asking that our neighborhood be allowed to retain its nature of family-size homes with comfortable space between. It is why we chose Magnolia Avenue for our homes and why so many of our residents have remained here for so long.

Sincerely,

Patricia Parker
Richard Parker
3222 Magnolia Ave

Katherine Schatz
Thomas Schatz
3226 Magnolia Ave

cc Gerald Martin
Max Zimmerman



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887/3862188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

September 10, 1991

The Honorable
Michael B. Sauer,
Panel Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Gerald A. Martin, Jr.,
Petitioner - Zoning Case
No. 91-192-A

Dear Chairman Sauer:

In your consideration of this case, please review the following legal points:

1. Once a zoning case is litigated, the decision is binding in subsequent litigation involving the same property and the same parties (or their successors) in the absence of an erroneous determination of law. Board of County Comm's of Cecil County v. Racine, 24 Md. App. 435, 332 A.2d 308 (1975); See Whittle v. Board of Zoning Appeals of Baltimore County, 21 Md. 38, 123 A.2d 41 (1956). In a similar situation, the Court of Appeals stated,

"A litigious or disappointed parent must not be permitted to relitigate questions of custody endlessly upon the same facts, hoping to find a chancellor sympathetic to his or her claim." McGready v. McCready, No. 11, September Term, 1890.

2. The standard of unnecessary hardship or practical difficulty refers to the property situation, and not to personalities. McLean v. Solex, 270 Md. 208, 310 A.2d 783 (1978).

3. A purchaser of a property which does not conform to zoning standards is disqualified from claiming hardship or difficulty, because the hardship and general situation is "self-created". Gleason v. Keswick Improvement Assn., 197 Md. 48, 79 A.2d 164 (1951); Anderson, American Law of Zoning, Sections 3.35, 20.44-20.47, 20.58-59.

Mr. Robert Haines
Baltimore County Office of
Planning and Zoning
Towson, Maryland 21204

Re: Case No: 91-129-A

Dear Mr. Haines:

We are attaching a copy of our ex parte injunction for civil case No: 86-359-3003P-320R. Simply stated, we are asking for a decision on Lot 855 regarding our ownership of approximately 3 1/2 feet. This 3 1/2 foot strip has been maintained and utilized by the Parker family for over 30 years. We would first like to protest the granting of a variance until this case is settled. We'd like to stress to the Board that, in fact, 5 feet would not be sufficient should our case be resolved in our favor. In that event the lots in questions would only have 4 1/2 feet.

We would also like to state that in May 1986 when another petition was made for a variance on this same property it was denied by the Board of Zoning. Attached is a copy of the decision of case no: 86-438-A. The objections of ourselves and other residents of Magnolia Avenue are still the same.

1. Houses on both sides of the block, except three, were built on properties from 60 to 180 ft. wide. The 3 built on 50 ft. lots were not protested because looking at paper drawings they did not seem objectionable-after they were built they were objectionable.

2. Additional on-street parking and other safety factors with on-street parking since there are now approximately 30 children who live and play on this street.

3. Less space for fire equipment (Houses on both sides much older).

4. General decrease in attractiveness of neighborhood.

5. There would be no hardship on part of new owner.

Upon first meeting Mr. Martin who informed us of his ownership of said property we discussed the problems, the 1986 variance request and denial-Mr. Martin stated he knew nothing of this. Our objections, as well as those of other residents were clearly explained to Mr. Martin. Since this time Mr. Martin has taken great steps to be an absolute nuisance to the neighbors on each side. He has harassed my wife with threatening telephone calls. This was very calculated on his part since he made these calls at a time of evening that he knew I was not at home but at work. These telephone calls resulted in a police report, a copy of which is attached.

For these reasons we ask the Board to please deny this request for a variance.

Sincerely yours,

Richard Parker and Patricia Parker

Richard Parker
Patricia Parker

The history of this case shows that the problems were generated when the original owner of the property, Mrs. Joan M. Cox, subdivided her property and sold part of it, undersized, to Charles Kelley, Inc. This transaction alone generated the original petition for variance, which was denied. The second transaction, apparently between Charles Kelley, Inc. and Mr. Martin, simply regenerated or compounded this history.

We also note the concerns raised by the neighboring Protestants in their letter received September 6, 1991. Whatever the details of the more recent transaction between Charles Kelley, Inc. and Mr. Martin, the granting of a variance here would facilitate the further sale of the property by Mr. Martin to another builder. This could easily be the Kelley company, because of its familiarity with the property. In other words, this case could accomplish indirectly what the Board directly denied in 1986.

We recognize, of course, the desirability of the Board's suggestion that the parties resolve this case among themselves. That would presumably involve the purchase of the undersized lots by the neighbors, thereby avoiding the construction of a new house. It is possible, however, that a reconciliation may not occur. If not, the Board must put the case in its historical perspective. In this context, there is no legal justification for the grant of a variance.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

cc: Mr. Gerald A. Martin, Jr.
Ms. Louise A. Alder
Mr. and Mrs. Richard Parker
Mr. and Mrs. Thomas Schatz

PMZ:sh

2

BALTIMORE COUNTY POLICE DEPARTMENT FORM 100 M.C.I.R.

11/1/1979

26. INVESTIGATIVE INTERVIEWS:

27. SUSPECT ONE: ARRESTED YES [] NO []

28. VEHICLE(S):

29. SUSPECT ONE: ARRESTED YES [] NO []

30. SUSPECT TWO: ARRESTED YES [] NO []

31. SUSPECT THREE: ARRESTED YES [] NO []

32. SUSPECT FOUR: ARRESTED YES [] NO []

33. SUSPECT FIVE: ARRESTED YES [] NO []

34. SUSPECT SIX: ARRESTED YES [] NO []

35. SUSPECT SEVEN: ARRESTED YES [] NO []

36. SUSPECT EIGHT: ARRESTED YES [] NO []

37. SUSPECT NINE: ARRESTED YES [] NO []

38. SUSPECT TEN: ARRESTED YES [] NO []

39. SUSPECT ELEVEN: ARRESTED YES [] NO []

40. SUSPECT TWELVE: ARRESTED YES [] NO []

41. SUSPECT THIRTEEN: ARRESTED YES [] NO []

42. SUSPECT FOURTEEN: ARRESTED YES [] NO []

43. SUSPECT FIFTEEN: ARRESTED YES [] NO []

44. SUSPECT SIXTEEN: ARRESTED YES [] NO []

45. SUSPECT SEVENTEEN: ARRESTED YES [] NO []

46. SUSPECT EIGHTEEN: ARRESTED YES [] NO []

47. SUSPECT NINETEEN: ARRESTED YES [] NO []

48. SUSPECT TWENTY: ARRESTED YES [] NO []

49. SUSPECT TWENTY-ONE: ARRESTED YES [] NO []

50. SUSPECT TWENTY-TWO: ARRESTED YES [] NO []

51. SUSPECT TWENTY-THREE: ARRESTED YES [] NO []

52. SUSPECT TWENTY-FOUR: ARRESTED YES [] NO []

53. SUSPECT TWENTY-FIVE: ARRESTED YES [] NO []

54. SUSPECT TWENTY-SIX: ARRESTED YES [] NO []

55. SUSPECT TWENTY-SEVEN: ARRESTED YES [] NO []

56. SUSPECT TWENTY-EIGHT: ARRESTED YES [] NO []

57. SUSPECT TWENTY-NINE: ARRESTED YES [] NO []

58. SUSPECT THIRTY: ARRESTED YES [] NO []

59. SUSPECT THIRTY-ONE: ARRESTED YES [] NO []

60. SUSPECT THIRTY-TWO: ARRESTED YES [] NO []

61. SUSPECT THIRTY-THREE: ARRESTED YES [] NO []

62. SUSPECT THIRTY-FOUR: ARRESTED YES [] NO []

63. SUSPECT THIRTY-FIVE: ARRESTED YES [] NO []

64. SUSPECT THIRTY-SIX: ARRESTED YES [] NO []

65. SUSPECT THIRTY-SEVEN: ARRESTED YES [] NO []

66. SUSPECT THIRTY-EIGHT: ARRESTED YES [] NO []

67. SUSPECT THIRTY-NINE: ARRESTED YES [] NO []

68. SUSPECT FORTY: ARRESTED YES [] NO []

69. SUSPECT FORTY-ONE: ARRESTED YES [] NO []

70. SUSPECT FORTY-TWO: ARRESTED YES [] NO []

71. SUSPECT FORTY-THREE: ARRESTED YES [] NO []

72. SUSPECT FORTY-FOUR: ARRESTED YES [] NO []

73. SUSPECT FORTY-FIVE: ARRESTED YES [] NO []

74. SUSPECT FORTY-SIX: ARRESTED YES [] NO []

75. SUSPECT FORTY-SEVEN: ARRESTED YES [] NO []

76. SUSPECT FORTY-EIGHT: ARRESTED YES [] NO []

77. SUSPECT FORTY-NINE: ARRESTED YES [] NO []

78. SUSPECT FIFTY: ARRESTED YES [] NO []

79. SUSPECT FIFTY-ONE: ARRESTED YES [] NO []

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81. SUSPECT FIFTY-THREE: ARRESTED YES [] NO []

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83. SUSPECT FIFTY-FIVE: ARRESTED YES [] NO []

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88. SUSPECT SIXTY: ARRESTED YES [] NO []

89. SUSPECT SIXTY-ONE: ARRESTED YES [] NO []

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95. SUSPECT SIXTY-SEVEN: ARRESTED YES [] NO []

96. SUSPECT SIXTY-EIGHT: ARRESTED YES [] NO []

97. SUSPECT SIXTY-NINE: ARRESTED YES [] NO []

98. SUSPECT SEVENTY: ARRESTED YES [] NO []

99. SUSPECT SEVENTY-ONE: ARRESTED YES [] NO []

100. SUSPECT SEVENTY-TWO: ARRESTED YES [] NO []

LAW OFFICES
OF
ANELLO and TEMPLE
LAW BUILDING
1334 SULPHUR SPRING ROAD
P.O. BOX 18280
BALTIMORE, MARYLAND 21227

ALVATORE E. ANELLO, III
JAMES J. TEMPLE, JR.
ROBERT LIDSTON
T. AUSTIN MURPHY

(301) 242-6600
FAX 242-2041

DEBORAH A. KELNER
PATRICIA A. HERRING
Legal Assistants

July 26, 1990

Mr. Gerald Martin, Jr.
1900 Rock Ridge Court
Marriottsville, MD 21104

RE: Martin - Kelly v. Boundary Dispute
Magnolia Avenue

Dear Mr. Martin:

This office has been retained by Mr. and Mrs. Richard Parker to represent them with regard to boundary between their property at 3222 Magnolia Avenue, your property, Lots 855 and 856 Magnolia Avenue.

The strip of land from the old boundary of the Parker property to the edge of the weed grown driveway on the lots you purchased is now part of the Parker property at 3222 Magnolia Avenue. Over a more than 20 year period Mr. Parker has maintained this strip, planted trees, and erected sheds. He has ample evidence to his adverse possession of the property which has placed title to the strip to him and his wife.

You must immediately cease any and all trespass upon this strip and you must refrain from the destruction of any Parker property which is on this strip. By action of law, this strip has become part of their land. We anticipate your cooperation in not violating the current boundary between your property and the property of the Parkers.

Failure to observe this boundary and/or your trespass upon their property can only result in the institution of legal proceedings in the appropriate court of law.

Sincerely,

Robert Lidston

Enclosure

cc: Mr. and Mrs. Richard E. Parker

OFFICE
242-6600

ROBERT LIDSTON, Ph.D.
ATTORNEY AT LAW

LAW OFFICES OF
ALVATORE E. ANELLO III
LAW BUILDING
1334 SULPHUR SPRING ROAD
BALTIMORE, MARYLAND 21227

LAW BUILDING
1334 SULPHUR SPRING ROAD
P.O. BOX 18280
BALTIMORE, MARYLAND 21227

242-6600

ROBERT LIDSTON
JAMES J. TEMPLE, JR.

MARCIE A. PERRY
LEGAL ASSISTANT

June 22, 1987

Charles E. Kountz, Esquire
2201 Hammonds Ferry Road
Baltimore, Maryland 21227-1797

Re: Kelly-Parker Boundary Dispute

Dear Mr. Kountz:

I have reviewed your most recent correspondence with my clients. They are willing to raise their offer for the portion of the two lots which your client actually owns. They are offering the full appraisal value under Mr. Cox's report of Five Thousand Five Hundred Dollars (\$5,500.00). I expect I will hear from you with an acceptance, rejection or counter figure. Obviously, my clients could not continue to bid against themselves.

I repeat that our position is that the strip of land from the old Parker boundary to the edge of the driveway on the lots Mr. Kelly purports to own is the Parker's property. Over a twenty year period they have maintained this strip, planted trees, and erected sheds. They have ample evidence to their adverse possession of this property which has placed title to the strip in them.

Feel free to contact me if you care to discuss this matter.

Sincerely,

Robert Lidston

RL:ml

cc: Mr. & Mrs. Richard E. Parker

Gen. Alden Martin
1900 Rockridge Ct
Marriottsville md 21104
514-2648

To: Long Commission of Baltimore Co.

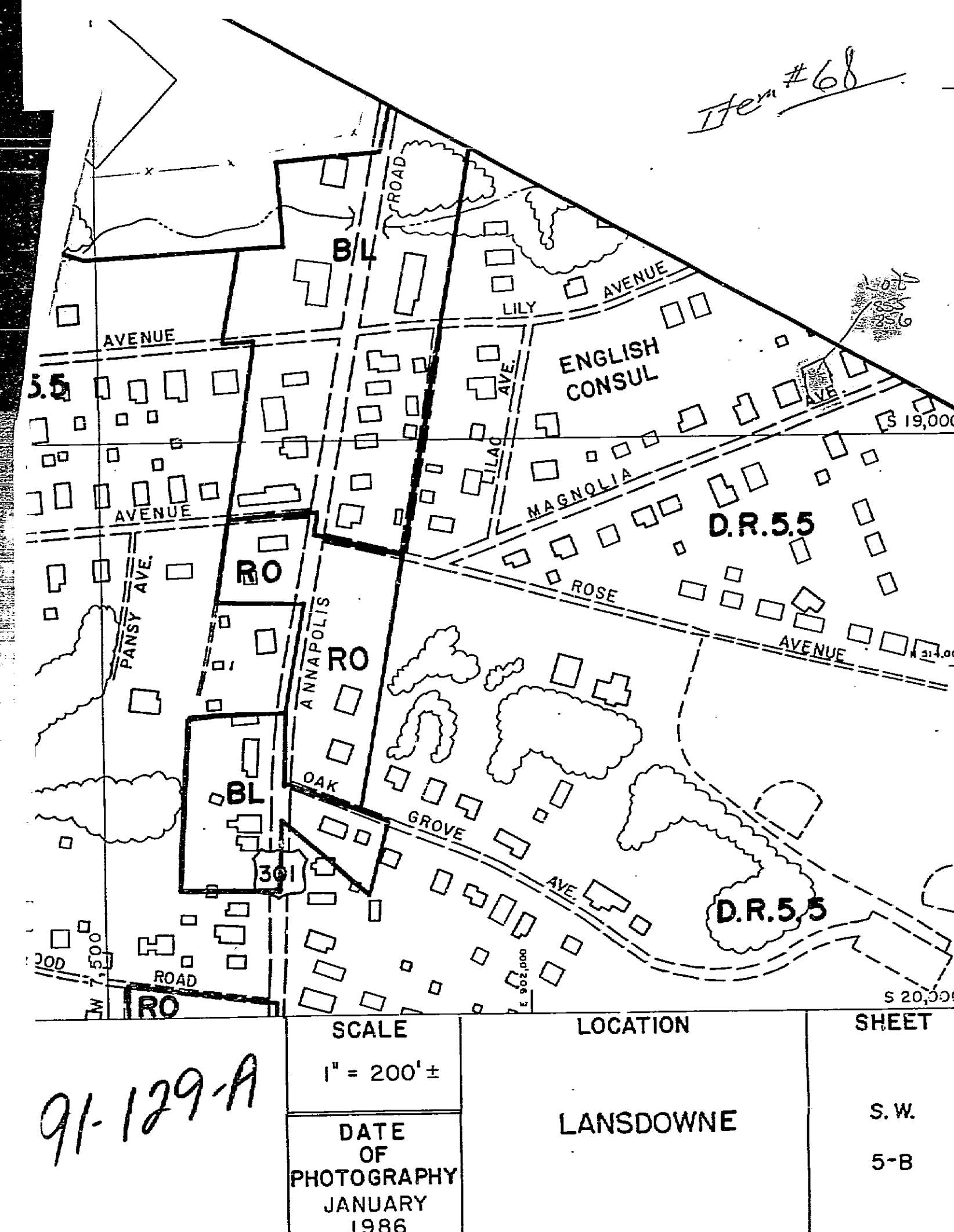
Ref: Case # 91-129-A

this letter is a request for an appeal hearing
to have a 50' lot instead of 55' not

thank you

Gerald Martin

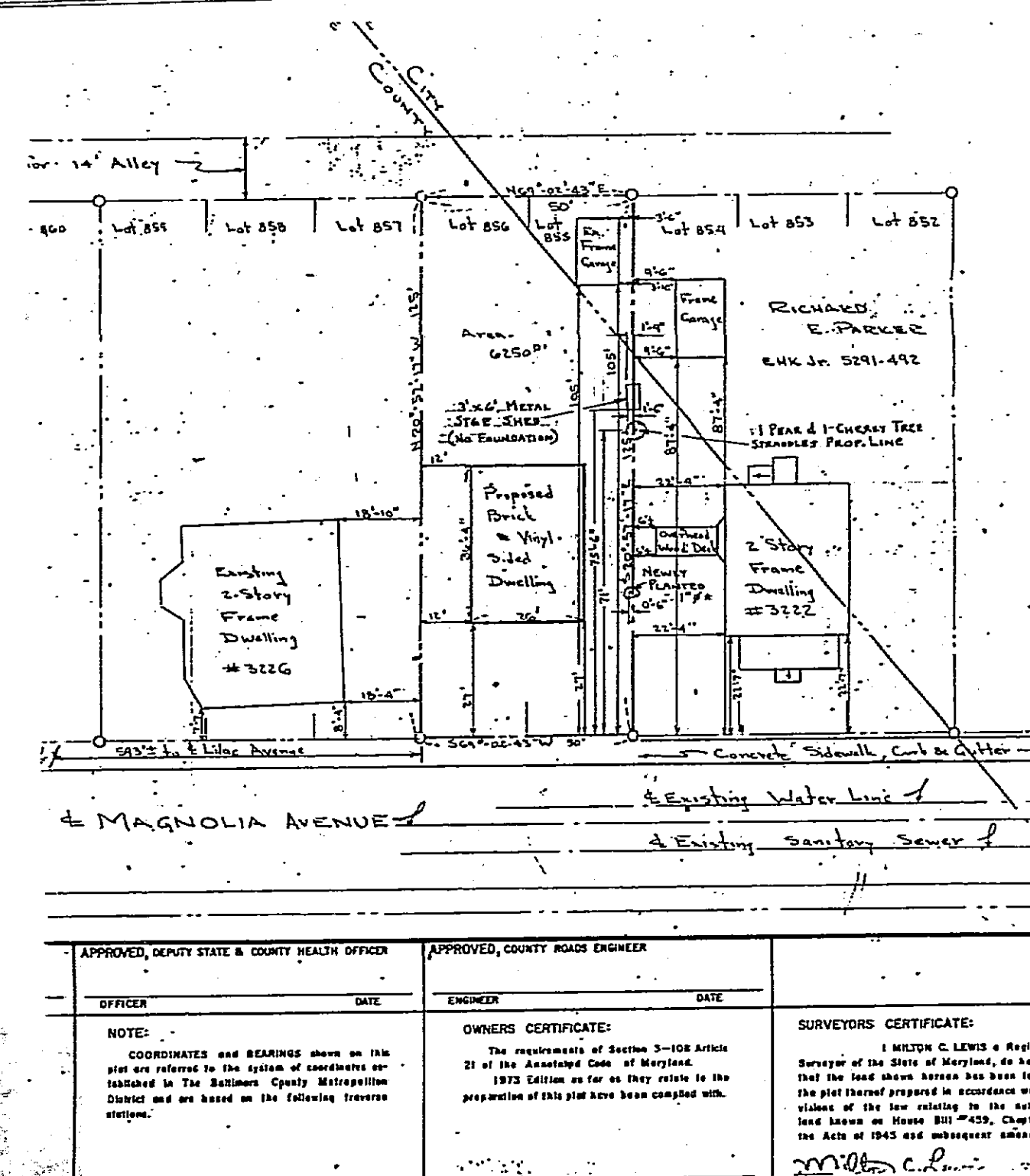
12-18-90 (en)
Zoning Office



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Richard Parker Sr.	3222 Magnolia Ave.
Katherine Schatz	3226 Magnolia Ave
Thomas Schatz	3226 Magnolia Ave
James Alden	3218 Magnolia Ave
James Alden	3223 Magnolia Ave
Richard P. Parker	3222 Magnolia Ave
Richard P. Parker	3221 Magnolia Ave



RICHARD E. PARKER
PATRICIA L. PARKER
3222 Magnolia Avenue
Baltimore, MD 21227

Plaintiffs,
v.

GERALD MARTIN, JR.
1900 Rockridge Court
Marriottsville, MD 21104

Defendant.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE ACTION NO.

68-359-90 CSP-3203

EX PARTE INJUNCTION

Upon consideration of Plaintiffs' Motion for Ex Parte and Interlocutory Injunctions, this Court finds that without an Ex Parte Injunction, it is likely that Plaintiffs will suffer immediate, substantial and irreparable harm if Defendant is permitted to take any of the actions set forth below. Accordingly, it is this 31st day of Aug., 1990, by the Circuit Court of Maryland for Baltimore County,

ORDERED that:

Defendant, Gerald L. Martin, Jr., and all persons over whom Defendants may have or exercise control, are hereby enjoined, restrained and required to refrain from:

(a) Entering upon, transferring, leasing, deeding, conveying, mortgaging, encumbering, grading, clearing, raising, building upon or otherwise exercising any acts of ownership over the Disputed Property. This property includes all of the property along the border of Lots 854 and 855 up to the edge of a

Ex Parte Injunction

Attendant & List - Protestants

Martin Case 8/30/91

Name	Address
<i>Barbara L. Parker</i>	<i>3222 Magnolia Ave</i>
<i>Richard Parker</i>	<i>" "</i>
<i>Katherine Schatz</i>	<i>3226 Magnolia Ave</i>
<i>Thomas Schatz</i>	<i>" "</i>
<i>Katherine Keller</i>	<i>3223 Magnolia Ave</i>
<i>Rich Parker</i>	<i>3221 MAGNOLIA AVE</i>



County Board of Appeals of Baltimore County

Room 200 Court House
Cotson, Maryland 21204
(301) 494-3180

October 30, 1986

Robert A. Hoffman, Esq.
Cook, Howard, Downes & Tracy
210 Allegheny Ave.
P. O. Box 5517
Towson, Md. 21204

Dear Mr. Hoffman:

Re: Case No. 86-438-A
Joan M. Cox

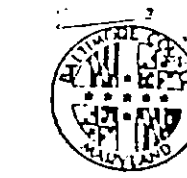
Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Joan M. Cox
Charles E. Kelley
Richard E. Parker
Thomas Schatz
Herbert O'Connor, III, Esq.
Louise A. Adler
Phyllis C. Friedman
Norman E. Gerber
James Hoswell
Arnold Jablon
Jean M. H. Jung
James E. Dyer

**PROTESTANT
EXHIBIT 2**



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 16, 1986

Ms. Joan M. Cox
2581 Locksley Road
Melbourne, FL 32935

RE: PETITION FOR VARIANCE
N/S of Magnolia Avenue,
593' E of the centerline
of Lilac Avenue
(3224 Magnolia Avenue) -
13th Election District
Joan M. Cox, Petitioner
Case No. 86-438-A

Dear Ms. Cox:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

Joan M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bg

Attachments

cc: People's Counsel

C. E. Kelley, Inc.
426 Shipley Road
Linthicum, Maryland 21090

Mr. Richard E. Parker
3222 Magnolia Avenue
Baltimore, Maryland 21227

**PROTESTANT
EXHIBIT 3**



RELATIVE SIZE OF HOUSES
BUILT ON MAGNOLIA AVE.



HOUSE IN MIDDLE WAS BUILT
ON A VARIANCE GRANTED
FRONT OF HOUSE IS ON THE
LEFT



HOUSE OFF SETS THE NATURAL
SPACING OF THE OTHER HOUSES



HOUSE ON LEFTS SIDEDOOR
OPENS RIGHT ONTO DRIVEWAY
OF HOUSE BUILT ON VARIANCE
ALSO HOUSE ON RIGHTS FRONT DOOR
IS AT END OF DRIVEWAY



HOUSE IN MIDDLE WAS BUILT
ON A VARIANCE GRANTED
FRONT OF HOUSE IS ON THE
LEFT



RELATIVE SIZE OF HOUSES
BUILT ON MAGNOLIA AVE.



4 "D"



HOUSE OFF SETS THE NATURAL SPACING OF THE OTHER HOUSES

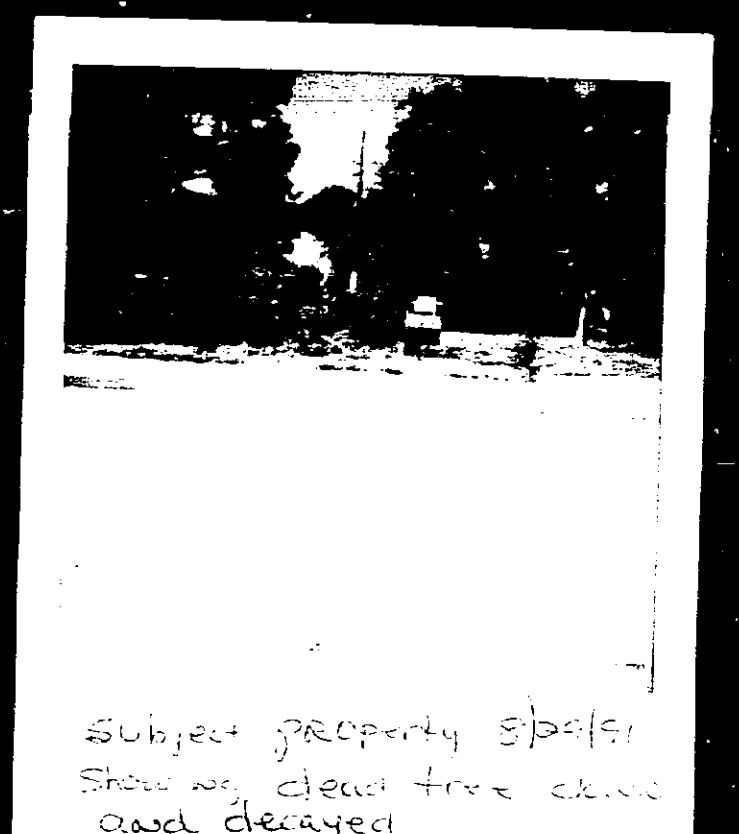
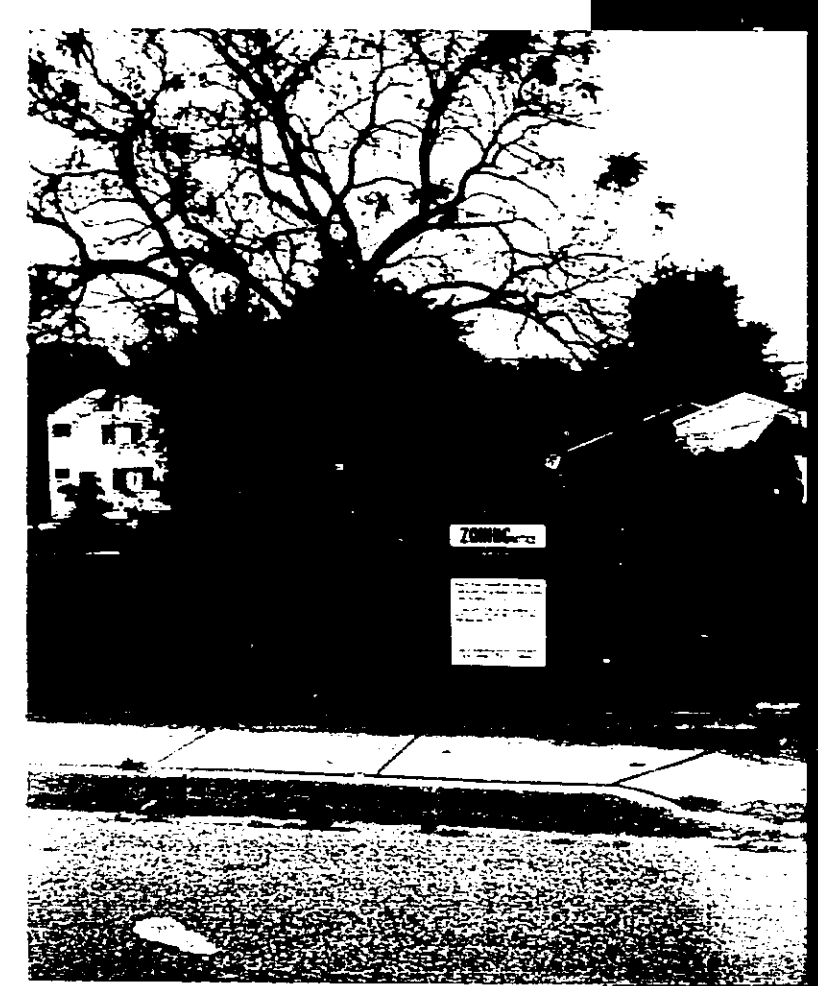
4 "E"



HOUSE ON LEFTS SIDE DOOR OPENS RIGHT ONTO DRIVEWAY OF HOUSE BUILT ON VARIANCE ALSO HOUSE ON RIGHTS FRONT DOOR IS AT END OF DRIVEWAY



3222
46



Subject property shows clear five acre and decayed

ENGLISH COUNCIL IMPROVEMENT ASSOCIATION

October 25, 1990

Board of Commissioners
Baltimore County Office of
Planning and Zoning
Towson, Maryland 21204

Re: Case No: 91-129-A

Gentlemen:

As the President of the English Council Improvement Association I submit the attached protest letters for the above referenced case number.

We, as a community neighborhood, depend on both Baltimore County and Baltimore City to set forth rules and regulations to protect our areas. This is what we are asking you for in this case--please deny this request for a variance.

Respectfully yours,
Louise Alder
Louise A. Alder, President

LAA/
Enclosures

PROTESTANT
EXHIBIT 5

1802.3--Special Regulations for Certain Existing Developments or Subdivisions and for Small Lots or Tracts in D.R. Zones. [Bill No. 100, 1970.]

A. In D.R. zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy, and development of, the alteration or expansion of structures upon, and administrative procedures with respect to: [Bill No. 100, 1970.]

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Baltimore County Planning Commission and which has been used, occupied, or improved in accordance with the approved subdivision plan; [Bill No. 100, 1970.]
2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect, and which has not been used, occupied, or improved in accordance with such plan; [Bill No. 100, 1970.]
3. Any lot, or tract of lots in single ownership, which is not in an existing development or subdivision as described in Subparagraph 1 or 2 and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. zone in which such tract is located; or [Bill No. 100, 1970.]
4. Any lot, or tract of lots in single ownership, which is not in an existing development or subdivision as described in Subparagraph 1 or 2 and which is less than one-half acre in area, regardless of the number of dwelling or density units that would be permitted at the maximum permitted density in the zone in which it is located. [Bill No. 100, 1970.]
5. Any lot, or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission. [Bill No. 100, 1970.]

RICHARD E. PARKER
PATRICIA L. PARKER
Plaintiffs,

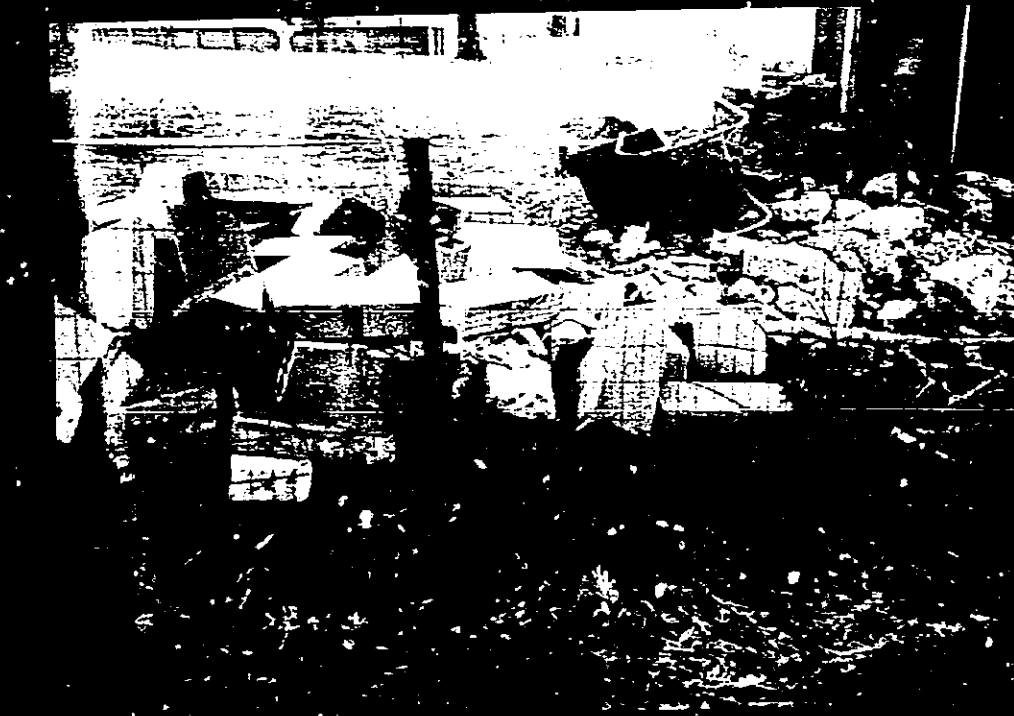
v.
GERALD MARTIN, JR.
Defendant.

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CIVIL ACTION #: 68-359-90CSP-3203

ORDER

This matter having come to trial on February 5, 1991 and upon consideration of Plaintiffs' Motion for Summary Judgment, Plaintiffs' Counsel and Defendant, Pro Se, having been heard, and the pleadings, Answers to Interrogatories, Admissions, and Affidavits herein having been read and considered, it is this 7th day of February, 1991, by the Circuit Court for Baltimore County:

ORDERED that judgment be, and it is hereby entered against the Defendant, Gerald Martin, Jr. and in favor of the Plaintiffs, Richard E. Parker and Patricia L. Parker, declaring that by virtue of their adverse possession, fee simple title is vested in said Plaintiffs as Tenants by the Entireties in all that lot of ground situate partly in Baltimore County and partly in Baltimore City, State of Maryland, which is designated as "Disputed Property" on a Plat entitled Survey Exhibit, Lots 852-856, Section A, English Consul Estate (WPC 3-108A) which Plat was prepared by Peter A. Gallerizzo of T.S.A., Inc. and certified by the same surveyor on February 5, 1991, and which is attached hereunto as Exhibit A and incorporated herein, and it is further:



ENGLISH CONSUL IMPROVEMENT ASSOCIATION

August 26, 1991

County Board of Appeals
of Baltimore County
County Office Building, Room 315
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. 91-129A
Gerald A. Martin, Jr.
N/S Magnolia Ave.
(3224 Magnolia Ave.)

Dear Board Members:

Once again we ask that you please deny this petition.

Our neighbors and our members have agreed, unanimously, that this variance, if approved would detrimentally effect our small, rural-like area. We believed that the denial of 11/20/90 was finally the end of this matter. We truly hope that your denial August 30, 1991 will finally end it.

Once again we ask that you please consider the future of our community when making your decision--and decide to deny this petition.

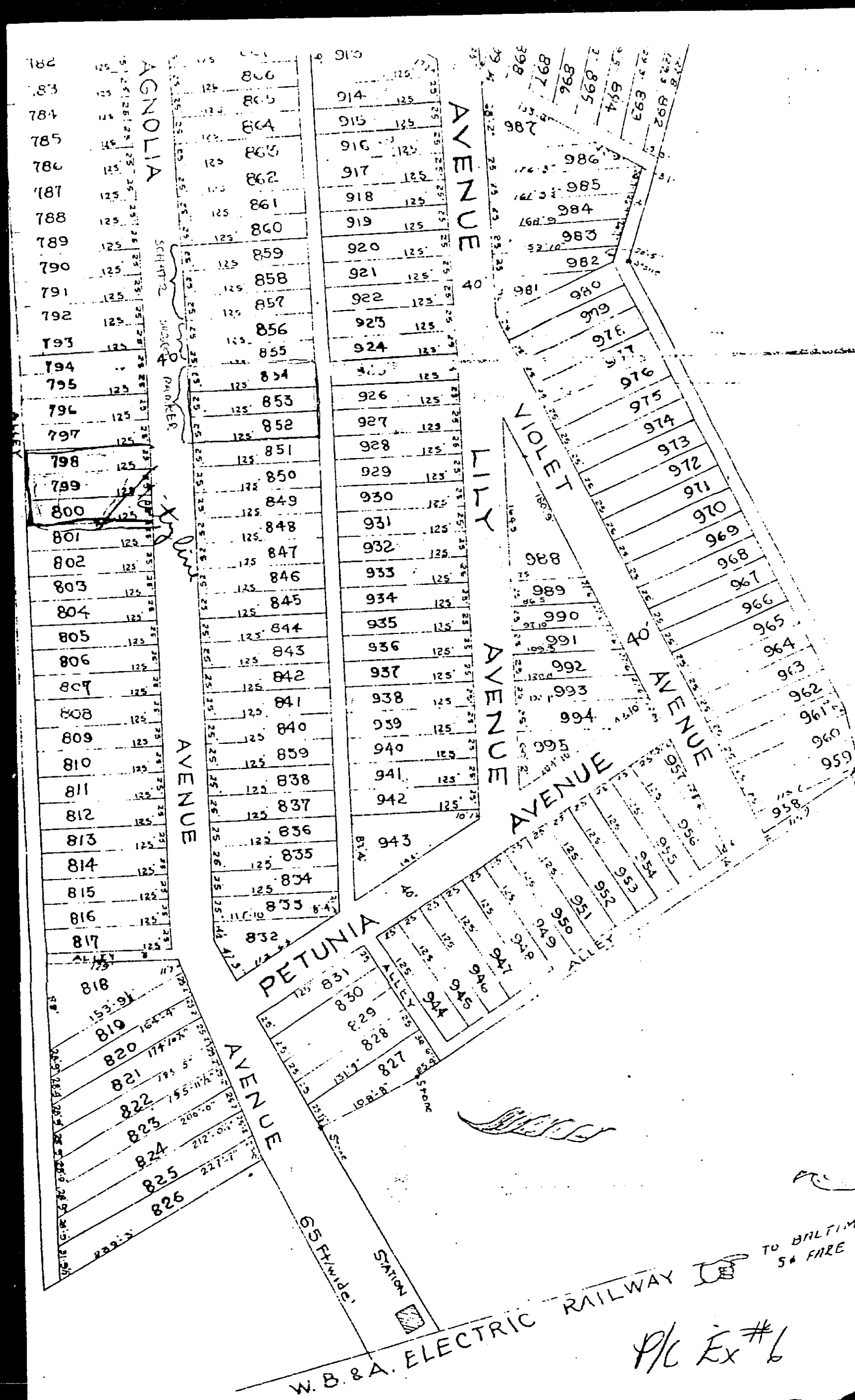
Thank you,

Respectfully yours,

Louise A. Alder

Louise A. Alder
President
ENGLISH CONSUL IMPROVEMENT ASSOC.
3219 Magnolia Avenue
Baltimore, Maryland 21227

LAA/



LAW OFFICES
OF
SALVATORE E. ANELLO, III

SALVATORE E. ANELLO, III
ROBERT LIDSTON
JAMES J. TEMPLE, JR.

MARCIE A. PERRY
LEGAL ASSISTANT

May 14, 1987

Re: Kelly-Parker Boundary Dispute

Dear Mr. Kountz:

As per our agreement, Glen E. Cox has now appraised the two lot, fifty foot parcel, in question. He notes that, to date, there is no deed recorded showing your client to be the owner of the property. Accepting your explanation for this situation, I assume that he soon will have a recorded deed.

Mr. Cox further notes that, at present, the property cannot be developed because of its fifty foot width. A variance would be required and this has not yet proved to be obtainable. My understanding is that one reason the variance has been denied is that Mr. Kelly suffered no economic loss, having taken the property in trade for services. Still, I recognize that those services do have value.

Mr. Cox appraises the two lots at \$4,500.00 for both and adds a value for the garage of \$1,000.00 for a total of \$5,500.00. Though I understand Mr. Kelly put some work into the garage, the structure is of no real consequence to my clients. They are now offering \$4,500.00 for the two lots and will pay the costs of transferring the property, excepting any back taxes owed.

I look forward to hearing from you with a response to this offer.

Sincerely,

Robert Lidston

RL:mll
cc: Richard E. Parker

THE SUN Maryland

3 plans proposed to revise districts for City Council

By Martin C. Evans

Only two months after a major re-districting plan was approved by the City Council, three new plans for revising the city's political boundaries have been introduced. The plans, which would alter the 1990 election districts, are scheduled for a public hearing on the November 12th.

641 think more districts
and smaller districts
would serve the
communities better.

Mr. Cunningham, who has been a member of the City Council since 1984, said that the current districts are "outdated" and that the new plans would "better serve the communities."

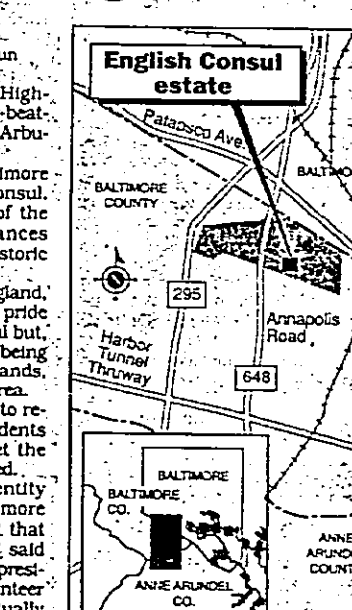


Robust and resilient, the English Consul mansion is a fine example of the city's historic architecture.

Residents of English Consul seeking to restore recognition to community

By Robert A. Edwards

When the English Consul was first built in 1818, it was the largest and most luxurious residence in Baltimore. It was the home of the first British Consul in the city, and it has since been the home of many other prominent families.



The English Consul mansion is a fine example of the city's historic architecture. It was built in 1818 and has since been the home of many other prominent families.

British representative gave community its name

CONSIDER the English Consul mansion in Baltimore. It is a fine example of the city's historic architecture. It was built in 1818 and has since been the home of many other prominent families.

The English Consul mansion is a fine example of the city's historic architecture. It was built in 1818 and has since been the home of many other prominent families.

Soldier's return

After a long absence, a soldier has returned home. The story is a heartwarming one, and it is a testament to the resilience of the human spirit.

Woman charged

A woman has been charged with a crime. The charges are serious, and the woman is facing a long prison sentence if found guilty.

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SUNDIAL

Local Call in Baltimore Area
723-1800

Using a touch-tone telephone, call 723-1800 to get the latest news and information. The service is available 24 hours a day, seven days a week.

WEDNESDAY'S LOTTO JACKPOT

The Wednesday's Lotto jackpot is a significant amount of money. It is a chance to win big, and it is a game that is played by millions of people.



THE COUNTY
PLANNING AND ZONING
GRAPHIC MAP

SCALE LOCATION SHEET

1" = 200' ± 91-129-A

DATE OF PHOTOGRAPHY JANUARY 1986

W. S. W. 5-B